

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN G. ROSENTHAL,

Plaintiff(s),

v.

ROOSEVELT ISLAND OPERATING
CORPORATION,

Defendant(s).

23-CV-9660 (DEH)

ORDER

DALE E. HO, United States District Judge:

An order issued November 7, 2023, scheduled an initial pre-trial conference in this matter for January 24, 2024, and required the parties to file a joint status letter and proposed case management plan in advance of the conference. *See* Dkt. No. 15. An order issued November 21, 2023, granted a request by Defendant Joseph Rabito to extend the deadline for all Defendants to answer, move, or otherwise respond to the Complaint to thirty days following service of all Defendants. *See* Dkt. No. 17.

On January 11, 2024, Plaintiff filed affidavits of service with respect to the four Defendants. *See* Dkt. Nos. 19-22. The affidavits of service with respect to Mr. Rabito and Defendant Roosevelt Island Operating Corporation state that the Defendant or a person authorized to accept service on their behalf personally accepted service. *See* Dkt. Nos. 20-21. The affidavit of service with respect to Defendant Kumiki Gibson states that the process server attempted to serve Ms. Gibson three times at her apartment, but there was no answer when the process server rang her doorbell. *See* Dkt. No. 19. It further states that on his fourth attempt, the process server spoke with Ms. Gibson over the intercom in her apartment building and left the relevant papers by affixing them to the doors of her building. *See id.* The process server also states that he served Ms. Gibson via U.S. Mail. *See id.* The affidavit of service with respect to

Defendant Simonida Subotic states that the process server attempted to serve Ms. Subotic three times at her apartment but was either informed that Ms. Subotic did not reside at the address or received no answer. *See* Dkt. No. 22. It further states that he served Ms. Subotic by affixing the relevant papers to the door of this apartment and via U.S. Mail. *See id.*


On January 11, 2024, Mr. Rabito filed two letter motions seeking to adjourn the initial pre-trial conference, with Plaintiff's consent. *See* Dkt. Nos. 18, 23.

It is hereby **ORDERED** that the initial pre-trial conference is **ADJOURNED** to **March 20, 2024, at 2:30 P.M. EST.** The parties shall join the conference by dialing (646) 453 – 4442 and entering the Conference ID: 511 973 424, followed by the pound sign (#). The parties shall file the joint status letter and proposed case management plan described in the November 7, 2023, order by **March 13, 2024.**

It is further **ORDERED** that by **January 19, 2024**, Plaintiff shall file a letter, not to exceed three pages, on ECF regarding service. Plaintiff shall explain why service, as described in the affidavits of service she filed on January 11, 2024, is proper. The letter may also describe any additional efforts to effectuate service on Defendants and/or provide them with actual notice of this lawsuit.

SO ORDERED.

Dated: January 12, 2024
New York, New York



DALE E. HO
United States District Judge